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ROBERT N. WEAVER, ESQ.

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11 CARL A. WESCOTT,

12 Plaintiff,

13 vs.

14 FREDERICK C. FIECHTER, IV;

DAVID M. ZEFF, ESQ.;

15 ROBERT N. WEAVER, ESQ. + DOES 1
through 25,

16 Defendants.

Case No. CV22-4288-AGT

**DECLARATION OF ROBERT N.
WEAVER, ESQ. IN SUPPORT OF
DEFENDANT ROBERT N. WEAVER,
ESQ.'S SPECIAL MOTION TO STRIKE
(ANTI-SLAPP) PLAINTIFF'S
COMPLAINT PURSUANT TO CAL.
CODE OF CIVIL PROCEDURE § 425.16**

Date: December 16, 2022

Time: 10:00 a.m.

Courtroom: A - 15th Floor

Magistrate Judge Alex G. Tse

19 **DECLARATION OF ROBERT N. WEAVER, ESQ.**

20 I, ROBERT N. WEAVER, ESQ., declare as follows:

21 1. I am a party in the above-entitled action.

22 2. I have personal knowledge of the facts set forth herein, and if called as a witness to
23 testify thereto, I could competently and truthfully do so.

24 3. I previously represented Defendant FREDERICK C. FIECHTER, IV ("Mr.
25 Fiechter"), a creditor of Plaintiff CARL A. WESCOTT ("Plaintiff"), in a bankruptcy and
26 adversary proceedings against Plaintiff seeking a judgment determining the amount and
27 dischargeability of Plaintiff's debt to Mr. Fiechter. At present, Plaintiff owes Mr. Fiechter well
28 over \$2.75 million comprised of two unsatisfied judgments.

1 4. I was initially retained in December of 2011 by Mr. Fiechter to assist attorney Guy
2 Kornblum in addressing a Chapter 7 bankruptcy petition filed by Plaintiff and his spouse.

3 5. In the course of his engagement, I uncovered evidence of fraud on the part of
4 Plaintiff which would support the basis for an adversary complaint establishing that the judgments
5 obtained by Mr. Fiechter against Plaintiff were not dischargeable under 11 U.S.C. §523. I
6 ultimately caused an adversary complaint to be filed on that basis.

7 6. While the adversary case was pending, I worked closely with the bankruptcy
8 trustee and her attorney, who filed their own adversary complaint against Plaintiff to deny
9 discharge. The trustee later prevailed on summary judgment and Mr. Wescott was denied his
10 bankruptcy discharge.

11 7. Since discharge was denied, I did not proceed with the adversary complaint
12 because the relief I had sought was mooted.

13 8. Plaintiff again filed for bankruptcy in 2016 (neglecting to provide notice to his
14 creditors), and was initially granted a discharge, but I arranged with an associated counsel, located
15 close to the court where that bankruptcy action had been filed, to vacate the discharge order as it
16 applied to Mr. Fiechter.

17 9. Collection on behalf of Mr. Fiechter, however, continued to present difficulties, as
18 Plaintiff owed substantial amounts of spousal maintenance and child support as a result of
19 Plaintiff's apparently contentious divorce. In the aftermath of the divorce and bankruptcy
20 proceedings, he maintained that he lacked any significant assets.

21 10. I'm aware that Plaintiff has been declared a vexatious litigant by the San Francisco
22 Superior Court pursuant to Section 391 of the California Code of Civil Procedure for abuse of
23 process and harassing litigation. Attached hereto as **Exhibit A** is a copy of a current vexatious
24 litigant list maintained by the office of the judicial council, which I retrieved this month.

25 11. I'm also aware that Plaintiff has filed no less than twenty-five cases in federal cases
26 throughout the country since January 2021. Attached hereto as **Exhibit B** is a true and correct
27 copy of a list of actions filed by Plaintiff, which I obtained using PACER. He has also filed at
28 least ten other federal cases before 2021. In addition to this he has filed score of cases in the

1 California State Courts in the same period of time. Mr. Wescott has obtained relief to proceed in
2 many (if not most) of the cases *in forma pauperis*.

3 12. I have never advised Mr. Fiechter to include a “false” allegation in a complaint
4 against Plaintiff. As alleged in the adversary complaint which I prepared, my investigation of the
5 transactions between Plaintiff and Mr. Fiechter revealed that Plaintiff had acted fraudulently to
6 secure substantial amounts of money from Mr. Fiechter. This was a basis to deny Plaintiff a
7 bankruptcy discharged pursuant to 13 U.S.C. §523.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct and that this declaration was executed on this 15th day of November,
10 2022, at San Francisco, California.

11
12 
13 Robert N. Weaver, Esq.

Exhibit A


VEXATIOUS LITIGANT LIST
 From Prefiling Orders Received from California Courts
 Prepared and Maintained by the Judicial Council of California
 (Orders prohibiting future filings entered through November 1, 2022)

LAST NAME	FIRST NAME	MIDDLE	COURT	CASE NO.	DATE	COMMENTS
WANG	George		Solano Superior Court	FCM159141	06/15/21	aka Chang Wang
WANG	George		Solano Superior Court	FCS054835	06/15/21	aka Chang Wang
WANG	Julie		San Francisco Superior Court	457890	09/23/08	
WANG	Kailin		San Francisco Superior Court	FDV19814465	01/05/21	
WANG	Loli	Victoria	Alameda Superior Court	RG07324365	08/14/07	
WANG	Yen		Solano Superior Court	FCS050690	06/15/21	
WANG	Yen		Solano Superior Court	FCS054835	06/15/21	
WANG	Yen		Solano Superior Court	FCM167700	06/15/21	
WANVEER	Lloyd	Marston	San Francisco Superior Court	964377	10/03/95	
WANVEER	Paul	Thomas	San Francisco Superior Court	964377	10/03/95	
WARREN	Richard		Los Angeles Superior Court	LC61078	09/13/02	
WASHINGTON	Roderick		Court of Appeal, 5th Dist	F050010	05/23/06	
WATERS	B.	Benedict	Los Angeles Superior Court	WEC117069	03/30/93	
WATERS	B.	Benedict	Los Angeles Superior Court	WEC127394	03/30/93	
WATKINS	Michael	W.	San Bernardino Superior Court	VFLV5032196	10/20/05	
WATSON	Catherine	Herrera	San Francisco Superior Court	CGC-18-572340	06/02/21	
WATSON	Ruby		San Diego Superior Court	693308	01/26/96	
WEARY	LaColya		Los Angeles Superior Court	BCD19253	10/31/91	
WEBB	Arthur		San Francisco Superior Court	CGC08480801	02/10/10	
WEBB	Michael		El Dorado Superior Court	PFL20170238	10/01/20	
WEBBER	Victor		Santa Clara Superior Court	1-01-FL-102682	12/12/14	
WEI	Claude		San Diego Superior Court	37201400010974CLUDCTL	07/10/14	
WEINER	Lawrence		Marin Superior Court	153501	08/06/92	
WEINER	Lawrence		Marin Superior Court	CV085041	11/10/08	
WEISS	Michael		Orange County Superior Court	30200900331535-PR-PW-CJC	08/16/17	
WEISS	Valerie	S.	San Diego Superior Court	695486	03/12/96	
WEITZMAN	Arin	Karol	Alameda Superior Court	RG08417951	01/27/09	
WELCH (J-07488)	Eugene	Everett	Amador Superior Court	09CV5842	10/15/10	
WELCH	Martha	M.	San Diego Superior Court	37201700007841CUCRCTL	12/19/17	
WELCH-BROWN	Gaye		Sacramento Superior Court	07A501921	10/22/07	
WELLS	Dale	Scott	Sonoma Superior Court	SFL983906	03/30/00	
WELLS	Dale	Scott	Sonoma Superior Court	SFL951401	03/30/00	
WELLS	Frank		Los Angeles Superior Court	BC518694	07/17/14	
WELLS	Lorraine	Althea	Los Angeles (Beverly Hills) Muni	97U00788	10/30/98	
WELLS	William	G.	Court of Appeal, 2nd Dist, Div 2	B235019	12/12/12	
WELSH	Joyce	L.	Contra Costa Superior Court	D0500622	05/17/07	Order states specifics.
WELSH	Michael		Los Angeles Superior Court	EC10390	01/06/93	
WESCOTT	Carl	A.	San Francisco Superior Court	FDI14781666	05/01/17	
WEST	Anthony	E.	Los Angeles Superior Court	BC714698	09/26/19	
WESTIN	Bruce		Los Angeles Superior Court	YC053041	01/22/07	
WESTOVER	Heather	D.	El Dorado Superior Court	SC 20140146	11/09/15	
WETZEL	John	Louis	Los Angeles Superior Court	LC018140	01/19/93	
WHEELER	John	Frederick	Kern Superior Court	S1500CV264196	03/30/09	
WHEELER	Lorenzo		Los Angeles Superior Court	LC100357	04/17/14	
WHITAKER	Fred	A.	Alameda Superior Court	6873200	11/22/91	
WHITAKER	Fred	A.	Court of Appeal, 1st Dist, Div 4	A057347	05/06/92	
WHITE	Arin		Butte Superior Court	FL041159	01/26/12	
WHITE	Arin		Butte Superior Court	FL040850	01/26/12	
WHITE	Arin		Butte Superior Court	FL041076	01/26/12	
WHITE	Arin		Butte Superior Court	FL039776	01/26/12	

Exhibit B

i PACER Maintenance, 11/13/2022

Our systems will undergo maintenance on Sunday, November 13, 2022, from 5:00 a.m. to 4:00 p.m. ET. Access to certain portions of this site may be temporarily unavailable.

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Party Search Results

Search Criteria: Party Search; Last Name: [Wescott]; First Name: [Carl]

Result Count: 60 (2 pages)

Current Page: 1

Party Name	Case Number	Case Title	Court	Date Filed	Date Closed
Wescott, Carl	0:1998cr10153	Rich, et al v. West Communication, et al	U.S. Court Of Appeals, Fifth Circuit	02/10/1998	07/09/1998
Wescott, Carl (pla)	3:2020cv06456	Wescott v. Crowe et al	California Northern District Court	09/16/2020	
Wescott, Carl (pla)	3:2021cv00319	Wescott v. Martin et al	Florida Middle District Court	03/22/2021	07/16/2021
Wescott, Carl "Kalle" (pla)	3:2017cv07371	Wescott v. Bushnell et al	California Northern District Court	12/29/2017	05/14/2018
Wescott, Carl A (pla)	1:2021cv00040	Wescott v. Global Accelerator Network, LLC et al	Colorado District Court	01/07/2021	06/17/2021
Wescott, Carl A (pla)	3:2019cv05898	Wescott v. Upshaw et al	Washington Western District Court	09/24/2019	01/08/2020
Wescott, Carl A (pla)	3:2020cv05442	Wescott v. Upshaw et al	Washington Western District Court	05/11/2020	09/14/2020
Wescott, Carl A. (pla)	2:2022cv01615	Carl A. Wescott v. Jessica Jackley et al	California Central District Court	03/09/2022	10/04/2022
Wescott, Carl A. (pla)	2:2022cv08029	Carl A. Wescott v. Mr. Jay Caplan et al	California Central District Court	11/02/2022	
Wescott, Carl A. (pla)	2:2021cv09975	Carl A. Wescott v. Alex Kaay et al	California Central District Court	12/27/2021	
Wescott, Carl A. (pla)	2:2022cv00677	Carl A. Wescott v. Kathy Fettke et al	California Central District Court	01/28/2022	03/08/2022
Wescott, Carl A. (dft)	2:2012cv00734	ATAIN Specialty Insurance Co. v. River Heights Condos, et al.,	California Eastern District Court	03/22/2012	03/22/2013
Wescott, Carl A. (pla)	2:2022cv00179	(PS) Wescott v. Yee	California Eastern District Court	01/27/2022	05/03/2022
Wescott, Carl A. (dft)	3:2012ap03086	Hoskins and Pook Snook Dook Limited Partnership	California Northern Bankruptcy Court	05/21/2012	07/10/2015
Wescott, Carl A. (pla)	4:2019cv02084	Wescott v. Smith et al	California Northern District Court	04/17/2019	06/26/2019
Wescott, Carl A. (pla)	3:2021cv09200	Wescott v. SparkLabs IoT Accelerator Fund, L.P. et al	California Northern District Court	11/29/2021	09/21/2022
Wescott, Carl A. (pla)	3:2021cv10011	Wescott v. Daniel et al	California Northern District Court	12/28/2021	07/06/2022
Wescott, Carl A. (pla)	3:2022cv00067	Wescott v. Beresford Corporation et al	California Northern District Court	01/05/2022	04/20/2022
Wescott, Carl A. (pla)	3:2022cv00070	Wescott v. Matusow et al	California Northern District Court	01/05/2022	
Wescott, Carl A. (pla)	3:2022cv00543	Wescott v. Block	California Northern District Court	01/27/2022	
Wescott, Carl A. (pla)	3:2022cv02682	Wescott v. Yee	California Northern District Court	05/04/2022	08/01/2022
Wescott, Carl A. (pla)	3:2022cv04288	Wescott v. Weaver et al	California Northern District Court	07/25/2022	
Wescott, Carl A. (pla)	4:2022cv04651	Wescott v. Dunn et al	California Northern District Court	08/05/2022	

Party Name	Case Number	Case Title	Court	Date Filed	Date Closed
Wescott, Carl A. (pla)	1:2021cv00462	Wescott v. SparkLabs IoT Accelerator Fund, L.P. et al	Delaware District Court	03/29/2021	11/09/2021
Wescott, Carl A. (pla)	1:2022cv01435	Wescott v. Summerbio, LLC et al	Delaware District Court	10/31/2022	
Wescott, Carl A. (pla)	3:2021cv00318	Wescott v. Simonetta	Florida Middle District Court	03/22/2021	08/11/2021
Wescott, Carl A. (pla)	1:2022cv00399	Wescott v. First American Financial Corporation et al	Illinois Northern District Court	01/24/2022	
Wescott, Carl A. (pla)	1:2022cv00442	Wescott v. United Airlines et al	Illinois Northern District Court	01/21/2022	
Wescott, Carl A. (pla)	1:2022cv00714	Wescott v. Block et al	Illinois Northern District Court	02/08/2022	
Wescott, Carl A. (pla)	1:2022cv04170	Wescott v. Block et al	Illinois Northern District Court	08/03/2022	
Wescott, Carl A. (pla)	1:2022cv00785	Wescott v. Russ et al	Texas Western District Court	08/04/2022	
Wescott, Carl Alexander (db)	3:2011bk34426	Carl Alexander Wescott	California Northern Bankruptcy Court	12/13/2011	01/17/2012
Wescott, Carl Alexander (db)	3:2012bk30143	Carl Alexander Wescott and Monette Rosemarie Stephens	California Northern Bankruptcy Court	01/17/2012	07/15/2016
Wescott, Carl Alexander (dft)	3:2012ap03057	Fiechter and Wescott	California Northern Bankruptcy Court	04/20/2012	05/22/2013
Wescott, Carl Alexander (dft)	3:2012ap03058	Kirk and Wescott	California Northern Bankruptcy Court	04/20/2012	05/22/2013
Wescott, Carl Alexander (dft)	3:2012ap03062	Quality Housing Solutions, LLC and Wescott	California Northern Bankruptcy Court	04/23/2012	07/19/2012
Wescott, Carl Alexander (dft)	3:2012ap03148	Hoskins and Wescott	California Northern Bankruptcy Court	10/15/2012	01/13/2015
Wescott, Carl Alexander (db)	1:2016bk10905	Carl Alexander Wescott	California Northern Bankruptcy Court	10/24/2016	11/30/2016
Wescott, Carl Alexander (db)	1:2016bk10975	Carl Alexander Wescott	California Northern Bankruptcy Court	11/14/2016	09/05/2019
Wescott, Carl Alexander (dft)	3:2017ap03015	S.C. Anderson, Inc and Wescott	California Northern Bankruptcy Court	02/13/2017	02/07/2019
Wescott, Carl Alexander (pla)	3:2017ap03034	Wescott and Arnovick	California Northern Bankruptcy Court	05/26/2017	09/29/2017
Wescott, Carl Alexander (pla)	3:2017ap03038	Wescott and City of San Francisco	California Northern Bankruptcy Court	06/07/2017	04/09/2019
Wescott, Carl Alexander (pla)	3:2017ap03039	Wescott and State of California	California Northern Bankruptcy Court	06/07/2017	10/31/2017
Wescott, Carl Alexander (pla)	1:2017ap01024	Wescott and Szucsko	California Northern Bankruptcy Court	07/25/2017	10/30/2017
Wescott, Carl Alexander (pla)	3:2017ap03064	Wescott and SC Anderson, Inc.	California Northern Bankruptcy Court	09/29/2017	02/16/2018
Wescott, Carl Alexander (dft)	1:2018ap01031	Fiechter and Wescott	California Northern Bankruptcy Court	09/26/2018	01/31/2019
Wescott, Carl Alexander (pla)	3:2017cv05676	Wescott v. SC Anderson, Inc. et al	California Northern District Court	10/02/2017	11/06/2018
Wescott, Carl Alexander (pla)	3:2017cv05837	Wescott v. Stephens et al	California Northern District Court	10/11/2017	04/10/2018
Wescott, Carl Alexander (pla)	4:2017cv06271	Wescott v. Reisner et al	California Northern District Court	10/30/2017	08/16/2019
Wescott, Carl Alexander (pla)	4:2017cv07330	Wescott v. Martin, et al	California Northern District Court	12/27/2017	08/29/2018
Wescott, Carl Alexander (pla)	3:2018cv02829	Wescott v. GILA, Inc dba Municipal Services Bureau et al	California Northern District Court	05/14/2018	07/23/2018
Wescott, Carl Alexander (pla)	3:2018cv05009	Wescott v. Stephens et al	California Northern District Court	08/15/2018	10/29/2018
Wescott, Carl Alexander (pla)	4:2018cv05842	Wescott v. Martin et al	California Northern District Court	09/21/2018	11/08/2018
Wescott, Carl Alexander (pla)	4:2018cv07104	Wescott v. Martin et al	California Northern District Court	11/20/2018	03/20/2019

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All Courts; Name Wescott, Carl; All Courts; Page: 1



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